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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,851	01/30/2004	Yehoshaphat Kasmirsky	P-9480-US1	4135

49443   7590   03/18/2009
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EXAMINER
LE, THU NGUYET T

ART UNIT	PAPER NUMBER
2162	

MAIL DATE	DELIVERY MODE
03/18/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 December 2008*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
   closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5,6,8-12,15-29,34-39 and 43-60* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3, 5-6, 8-12, 15-29, 34-39, 43-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 January 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☒ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
       application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   This office action has been issued in response to amendment file 10 April 2007.

Claims 1, 5, 27, 43 have been amended. Claims 4, 7, 13-14, 30-33, 40-42 have been

canceled. Claims 47-60 have been added. Claims 1-3, 5-6, 8-12, 15-29, 34-39, and

43-60 are pending in this Office Action. Accordingly, this action has been made FINAL.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3, 5-6, 8-12, 15-29, 34-39 and 43 are rejected under 35 U.S.C. 103(a)

as being unpatentable over Ignatius et al. (US 6,542,972) in view of Glowny et al. (US

2001/0040942).

With respect to claim 1, Ignatius discloses a method for managing data storage

comprising:

receiving a stream of data related to a communication over a communication

network (col.1 lines 38-45, col.5 lines 50-55);

automatically analyzing the content of data to determine at least one

characteristic of the content ("examining the selected data for particular characteristic",

fig.3, col.2 lines 34-45, col.5 lines 4-8);

generating based on said content analysis of data metadata associated with the at least one characteristic (fig.3, col.2 lines 34-45, col.5 lines 4-8);

selecting one of a plurality of storage options having different types of accessibility and/or capacity according to said generated metadata pertaining to said at least one characteristic and according to at least one rule (Ignatius: col.1 lines 65-66, col.2 lines 1-6, 39-45, col.10 lines 21-22, col.9 lines 5-20, in application's disclosure: metadata is one characteristic, page 8 lines 27-30); and

placing the data into said selected storage option (col.2 lines 39-45, col.10 lines 23-25).

However, Ignatius does not explicitly disclose the content/data is the audio or video content/data and the audio or video data stream.

In the same field of endeavor, Glowny teaches the content/data is the audio or video data, and the audio or video data stream (para.[0032] lines 8-12);

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Glowny and Ignatius before him/her to incorporate the method for recording and storing telephone call information into the a method for managing data storage in order to facilitate monitoring, recording, and playing back complete telephone call (end of para.[0008]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said data is data which needs formatting (col.7 lines 61-63).

Claim 5 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, further comprising receiving metadata information associated with the communication; wherein selecting one of a plurality of storage options comprises selecting said storage option based on said metadata, wherein the metadata is received from a CTI server (col.2 lines 17-24, 39-41).

However, Ignatius does not explicitly disclose metadata is the computer telephone integration (CTI) metadata.

In the same field of endeavor, Glowny teaches metadata is the computer telephone integration (CTI) metadata (para.[0032] lines 8-12);

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Glowny and Ignatius before him/her to incorporate the method for recording and storing telephone call information into the a method for managing data storage in order to facilitate monitoring, recording, and playing back complete telephone call (end of para.[0008]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 6 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein receiving

Computer Relationship Management (CRM) data associated with the communication from a CRM server (para.[0039] lines 8-12).

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said selected storage option causes deletion of the data (col.7 lines 33-34).

Claim 9 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said plurality of storage options include storage options having at least two different types of devices (col.1 lines 35-38).

Claim 10 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes an on-line storage device (col.1 lines 55-58).

Claim 11 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes an off-line storage device (col.1 lines 55-58).

Claim 12 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes a near-line storage device (col.1 lines 55-58).

Claim 15 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein the data is analyzed automatically according to a type of the data (col.2 lines 40-42, col.6 lines 46-47).

Claim 16 is rejected for the reasons set forth hereinabove for claim 15 and furthermore Ignatius teaches the method for managing data storage, wherein the data includes a plurality of different types of data, and said plurality of different types of data is analyzed concurrently (col.3 lines 25-29).

Claim 17 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein the data is rendered into a common format before being analyzed automatically (col.7 lines 60-64).

Claim 18 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein the data is rendered into a common format after being analyzed automatically (col.7 lines 60-61).

Claim 19 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule includes a time interval for holding the data in said selected storage option (col.3 lines 49-50).

Claim 20 is rejected for the reasons set forth hereinabove for claim 19 and furthermore Ignatius teaches the method for managing data storage, wherein the data is migrated from a first selected storage option to a second selected storage option after said time interval has elapsed (col.2 lines 30-33, col.7 lines 14-20).

Claim 21 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is entered manually (col.2 lines 37-38).

  Claim 22 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is generated automatically (col.3 lines 41-43).

  Claim 23 is rejected for the reasons set forth hereinabove for claim 22 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is generated automatically according to business data (col.3 lines 41-43).

  Claim 24 is rejected for the reasons set forth hereinabove for claim 19 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule includes an action to be performed on the data according to an event, wherein said event is related to said at least one characteristic of the data (col.7 lines 14-21, col.2 lines 40-43).

  Claim 25 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, further comprising: receiving data from an input source, wherein said data includes at least one of coded data, e-mail messages, e-mail attachments, chat messages, other types of messaging system messages, documents transmitted by facsimile and user interface data (col. 7 lines 60-65); and

  automatically analyzing the content of the data received from the input source to determine at least one characteristic of the content of the data (col.7 lines 14-21, col.2 lines 40-43).

  Claim 26 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein feedback

from an analysis of the content of the data is used for determining said at least one

characteristic (col.2 lines 39-43).

With respect to claim 27, Ignatius discloses a system for data management

according to content of the data, comprising:

an input source to delivery a data related to a communication over a

communication network (col.1 lines 38-45, col.5 lines 50-55);

an analysis module for analyzing the content of data to determine at least one

characteristic of the content of the delivered data ("examining the selected data for

particular characteristic", fig.3, col.2 lines 34-45, col.5 lines 4-8) and to generate based

on said content analysis of data metadata associated with the at least one characteristic

(fig.3, col.2 lines 34-45, col.5 lines 4-8);

selecting one of a plurality of storage options having different types of

accessibility and/or capacity according to said generated metadata pertaining to said at

least one characteristic and according to at least one rule (Ignatius: col.1 lines 65-66,

col.2 lines 1-6, 39-45, col.10 lines 21-22, col.9 lines 5-20, in application's disclosure:

metadata is one characteristic, page 8 lines 27-30); and

a rule engine to compare at least a portion of the generated metadata to at least

one rule and to select one of a plurality of storage options based on said comparison

(col.2 lines 34-45);

a storage manager for receiving a decision related to the selected storage option

from said rule engine (col.2 lines 38-45); and

a plurality of storage devices having different types of accessibility and/or capacity, wherein said storage manager stores the data in one of said plurality of storage devices according to said decision (col.2 lines 39-45, col.10 lines 23-25).

However, Ignatius does not explicitly disclose the content/data is the audio or video content/data and the audio or video data stream.

In the same field of endeavor, Glowny teaches the content/data is the audio or video data and the audio or video data stream (para.[0032] lines 8-12);

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Glowny and Ignatius before him/her to incorporate the method for recording and storing telephone call information into the a method for managing data storage in order to facilitate monitoring, recording, and playing back complete telephone call (end of para.[0008]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

With respect to claim 43, Ignatius discloses a system for managing according to metadata, comprising:

an input source to delivery a data related to a communication over a communication network (col.1 lines 38-45, col.5 lines 50-55);

an analysis module for analyzing the content of data to determine at least one characteristic of the content of the delivered data ("examining the selected data for particular characteristic", fig.3, col.2 lines 34-45, col.5 lines 4-8) and to generate based

on said content analysis of data metadata associated with the at least one characteristic

(fig.3, col.2 lines 34-45, col.5 lines 4-8);

selecting one of a plurality of storage options having different types of

accessibility and/or capacity according to said generated metadata pertaining to said at

least one characteristic and according to at least one rule (Ignatius: col.1 lines 65-66,

col.2 lines 1-6, 39-45, col.10 lines 21-22, col.9 lines 5-20, in application's disclosure:

metadata is one characteristic, page 8 lines 27-30); and

a rule engine to compare at least a portion of the generated metadata to at least

one rule and to select one of a plurality of storage options based on said comparison

(col.2 lines 34-45);

a storage manager for receiving a decision related to the selected storage option

from said rule engine (col.2 lines 38-45); and

a plurality of storage devices having different types of accessibility and/or

capacity, wherein said storage manager stores the data in one of said plurality of

storage devices according to said decision (col.2 lines 39-45, col.10 lines 23-25).

However, Ignatius does not explicitly disclose the content/data is the audio or

video content/data and the audio or video data stream.

In the same field of endeavor, Glowny teaches the content/data is the audio or

video data and the audio or video data stream (para.[0032] lines 8-12);

It would have been obvious to one having ordinary skill in the art at the time the

invention was made having the teachings of Glowny and Ignatius before him/her to

incorporate the method for recording and storing telephone call information into the a

method for managing data storage in order to facilitate monitoring, recording, and playing back complete telephone call (end of para.[0008]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claim 44 is rejected for the reasons set forth hereinabove for claim 1. However, Ignatius does not teach the communication is a telephone call between a customer and a member of service center personnel.

In the same field of endeavor, Glowny teaches a method for recording and storing telephone call information, wherein the communication is a telephone call between a customer and a member of service center personnel (para.[0003] lines 8-2).

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Glowny and Ignatius before him/her to incorporate the method for recording and storing telephone call information into the a method for managing data storage in order to facilitate monitoring, recording, and playing back complete telephone call (end para.[0008]). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Claims 28-29, 34-39 are rejected on grounds corresponding to the reasons given above for claims 3, 5-6, 8-12, 15-26 because the claims 28-29, 34-39 claim the substantial limitations as claims 3, 5-6, 8-12, 15-26.

Claim 59 is rejected for the reasons set forth hereinabove for claim 27 and furthermore Ignatius teaches a system further comprising server to provide CTI

metadata information associated with the communication, wherein said rule engine is

further to compare at least a portion of the metadata to at least one rule and to select

one of a plurality of storage options based on said comparison (col.2 lines 34-45, col.4

lines 55-64).

However, Ignatius does not explicitly disclose server is the computer telephone

integration (CTI) server, and metadata is the computer telephone integration (CTI)

metadata.

In the same field of endeavor, Glowny teaches a computer telephony integration

(CTI) server, CTI metadata (fig.7, para.[0032] lines 8-12);

It would have been obvious to one having ordinary skill in the art at the time the

invention was made having the teachings of Glowny and Ignatius before him/her to

incorporate the method for recording and storing telephone call information into the a

method for managing data storage in order to facilitate monitoring, recording, and

playing back complete telephone call (end of para.[0008]). One of ordinary skill in the art

would be motivated to make the aforementioned combination with reasonable

expectation of success.

Claim 60 is rejected for the reasons set forth hereinabove for claim 43 and

furthermore Ignatius teaches a system further comprising a client relationship

management (CRM) server to provide CRM metadata input associated with the

communication, wherein said role engine is further to compare at least a portion of the

CRM metadata to at least one rule and to select one of a plurality of storage options

based on said comparison (col.2 lines 34-45, col.4 lines 55-64).

4.   Claims 47-48, 51-52, 55-56 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Ignatius et al. (US 6,542,972) in view of Glowny et al. (US

2001/0040942) and further in view of Guo et al. (US 2005/0008198).

Claims 47-48 are rejected for the reasons set forth hereinabove for claim 1.

However, Ignatius does not disclose automatically analyzing the content of the

video data comprises analyzing the content of at least one frame of said received

stream of video data. And said characteristic of the content comprises

human presence, and wherein analyzing the content of at least one frame comprises

determining the presence of a human subject in said at least one frame.

Guo discloses automatically analyzing the content of the

video data comprises analyzing the content of at least one frame of said received

stream of video data. And said characteristic of the content comprises human

presence, and wherein analyzing the content of at least one frame comprises

determining the presence of a human subject in said at least one frame (para.[0017]).

It would have been obvious to one having ordinary skill in the art at the time the

invention was made having the teachings of Guo and Ignatius before him/her to

incorporate the method for determining a frame of an image sequence into the method

for managing data storage to detect the human and identify the frames with the clear

faces (para.[0016]). One of ordinary skill in the art would be motivated to make the

aforementioned combination with reasonable expectation of success.

Claims 51-52, 55-56 are rejected on grounds corresponding to the reasons given above for claims 47-48 because the claims 51-52, 55-56 claim the substantial limitations as claims 47-48.

5.   Claims 49-50, 53-54, 57-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ignatius et al. (US 6,542,972) in view of Glowny et al. (US 2001/0040942) and further in view of applicant's admitted prior art.

Claims 49-50 are rejected for the reasons set forth hereinabove for claim 47. However, Ignatius does not disclose characteristic of the content comprises motion detection, and wherein analyzing the content of at least one frame comprises detecting motion in said at least one frame. And characteristic of the content comprises face recognition, and wherein analyzing the content of at least one frame comprises recognizing a face in said at least one frame.

Guo discloses characteristic of the content comprises motion detection, and wherein analyzing the content of at least one frame comprises detecting motion in said at least one frame. And characteristic of the content comprises face recognition, and wherein analyzing the content of at least one frame comprises recognizing a face in said at least one frame (applicant disclosure: page 13 lines 1-7).

Claims 53-54, 57-58 are rejected on grounds corresponding to the reasons given above for claims 49-50 because the claims 53-54, 57-58 claim the substantial limitations as claims 49-50.

6.   Claims 45-46 are rejected under 35 U.S.C. 103(a) as being unpatentable
over Ignatius et al. (US 6,542,972) in view of Glowny et al. (US 2001/0040942) and
further in view of Hall et al. (US 2002/0039408).

    Claims 45-46 are rejected for the reasons set forth hereinabove for claim 1.
However, Ignatius does not disclose the communication is a voice communication and
further comprising converting the audio data of the voice communication to textual data.
And the communication is a voice communication and further comprising converting the
audio data of the voice communication to textual data.

    In the same field of endeavor, Hall discloses a method for enabling workers to
communicate anonymously with their employers, wherein the communication is a voice
communication and further comprising converting the audio data of the voice
communication to textual data. And the communication is a voice communication and
further comprising converting the audio data of the voice communication to textual data
(para.[0019] lines 1-6).

    It would have been obvious to one having ordinary skill in the art at the time the
invention was made having the teachings of Hall and Ignatius before him/her to
incorporate the method for enabling workers to communicate anonymously with their
employers into the method for managing data storage to facilitate user in using different
kinds of communication means (para.[0019] lines 1-6). One of ordinary skill in the art
would be motivated to make the aforementioned combination with reasonable
expectation of success.

Response to Argument

The double patenting rejections has been removed because the co-pending application 10/451,371 has been abandoned.

The newly added claims 47-60 have been considered but are moot in view of the new ground(s) of rejection.

With respect to applicant's argument that Ignatius does not disclose manipulating audio or video data, and performing any content analyzing of the audio or video data. The examiner respectfully disagrees. First, Ignatius discloses data that is generated will be *examined for particular characteristics*, and the system selects *a particular storage policy* that *matches the particular characteristics of data*, and stores data into a storage media according to the particular storage policy, wherein the particular storage policy that match the particular characteristics of data can be "*file type*", and moves data into different storage media depending on storage policy (col.1 lines 38-67, col.2 lines 1-45). Second, one of ordinary skill in art would knowledge the content of data is the data, and examining is the same as analyzing. The file type is considered as a characteristic of data, e.g. text data type, MPEG data type, WAV data type. Though, Ignatius does not explicitly disclose audio or video data but Glowny does disclose the audio data. Examiner has carefully reviewed every limitations in the claim 1, 27, 43 and strongly believes Ignatius and Glowny disclose all limitations.

Accordingly, examiner strongly believes that a prima facie case has been clearly establish with respect to the prior art rejection of the instant claims, given their broadest reasonable interpretation.

Conclusion

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to THU-NGUYET LE whose telephone number is

(571)270-1093. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Breene can be reached on 571-272-4107. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thu-Nguyet Le/
Examiner, Art Unit 2162
March 11, 2009

/John Breene/
Supervisory Patent Examiner, Art Unit 2162